

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 812**

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**Introduced by Assembly Member Weber**

February 26, 2015

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An act to add Chapter 4 (commencing with Section 350) to Part 1 of Division 1 of Title 1 and repeal Section 314 of the Education Code, relating to English proficiency.

### LEGISLATIVE COUNSEL'S DIGEST

AB 812, as amended, Weber. ~~Pupils of limited academic English proficiency: assessments. English proficiency: Los Angeles Unified School District's Academic English Mastery Program: evaluation.~~

Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting an assessment of pupils who are English learners in order to determine the level of English proficiency. Existing law requires each school district that has one or more pupils who are English learners, to assess the English language development of each pupil. Existing law requires this assessment to be conducted upon initial enrollment, and annually thereafter, during a period determined by the Superintendent of Public Instruction and the state board.

~~This bill would, notwithstanding the above provisions, require the department, on or before September 1, 2017, to develop an assessment tool to determine the proficiency level of pupils of limited academic English proficiency, as defined, and as determined by a formal process~~

~~that the bill would require the Superintendent to develop in consultation with the department and local educational agencies, as provided. The bill would require the assessment to be conducted upon a pupil's initial enrollment or as early as possible after enrollment, in order to provide information to determine if the pupil is a pupil of limited academic English proficiency, and annually thereafter, during a period of time determined by the Superintendent and the state board. The bill would require the annual assessments to continue until the pupil is designated as academic English proficient, as provided. The bill would require, if a pupil is still performing at a level of limited academic English proficiency after the grade 8 Smarter Balanced Assessment System summative and interim assessments, the school district to provide targeted resources with the goal of the pupil scoring at the level of 3 or higher on the grade 11 Smarter Balanced Assessment System summative and interim assessments.~~

~~By creating new duties for a local educational agency, this bill would impose a state-mandated local program.~~

*This bill would, contingent on the enactment of an appropriation in the annual Budget Act or related legislation for the purpose of implementing these provisions, require the Los Angeles Unified School District, in partnership with the University of California, Los Angeles Center X, to conduct an evaluation of the Los Angeles Unified School District's Academic English Mastery Program, as specified. The bill would require the evaluation to be completed by an unspecified date and submitted to the appropriate fiscal and policy committees of the Legislature. To the extent the bill would impose additional duties on the Los Angeles Unified School District, the bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Chapter 4 (commencing with Section 350) is~~  
2     ~~added to Part 1 of Division 1 of Title 1 of the Education Code, to~~  
3     ~~read:~~

4  
5             ~~CHAPTER 4. PUPILS OF LIMITED ACADEMIC ENGLISH~~  
6                     ~~PROFICIENCY~~

7  
8     ~~350. (a) For purposes of this chapter, “pupils of limited~~  
9     ~~academic English proficiency” is defined as pupils who do not~~  
10    ~~have the clearly developed academic English language skills of~~  
11    ~~comprehension, speaking, reading, and writing necessary to receive~~  
12    ~~instruction in English at a level substantially equivalent to pupils~~  
13    ~~of the same age or grade whose primary language is also English.~~

14    ~~(b) For purposes of this chapter, “academic English” and~~  
15    ~~“academic language” shall have the same meaning and are defined~~  
16    ~~as the oral, written, auditory, and visual language proficiency~~  
17    ~~required to learn effectively in school and academic programs.~~  
18    ~~Academic English and academic language is the language used in~~  
19    ~~classroom lessons, books, tests, and assignments, and it is the~~  
20    ~~language that pupils are expected to learn and achieve fluency in.~~  
21    ~~Frequently contrasted with “conversational” or “social” language,~~  
22    ~~academic language includes a variety of formal language skills~~  
23    ~~such as vocabulary, grammar, punctuation, syntax,~~  
24    ~~discipline-specific terminology, or rhetorical conventions, that~~  
25    ~~allow pupils to acquire knowledge and academic skills while also~~  
26    ~~successfully navigating school policies, assignments, expectations,~~  
27    ~~and cultural norms.~~

28    ~~350.1. (a) On or before September 1, 2016, the Superintendent,~~  
29    ~~in consultation with the department and local educational agencies,~~  
30    ~~shall develop a formal process to identify pupils who may meet~~  
31    ~~the definition in subdivision (a) of Section 350.~~

32    ~~(b) The process may, at a minimum, provide special~~  
33    ~~consideration to pupils who meet any of the following criteria:~~

34    ~~(1) Scores in the lowest achievement levels on the Smarter~~  
35    ~~Balanced Assessment System summative and interim assessments.~~

36    ~~(2) Receives less than a passing grade on one or more~~  
37    ~~consecutive progress and report cards in English language arts.~~

~~(3) Is identified by teachers or faculty members as a candidate who may meet one or more of the criteria in paragraphs (1) or (2).~~

~~350.2.— (a) On or before January 1, 2017, the department, in consultation with local educational agencies, shall develop a study on best practices for providing instruction to pupils of limited academic English proficiency, and shall provide this study to members of the Legislature, the Office of the Legislative Analyst, and the Governor. The study shall include, but not be limited to, information relating to all of the following:~~

~~(1) Existing state and local programs.~~

~~(2) Effective pedagogical and instructional methods for pupils of limited academic English proficiency.~~

~~(3) Professional development and training needs for teachers who would be likely to provide instruction to pupils of limited academic English proficiency.~~

~~(b) The study required to be submitted to the Legislature pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.~~

~~350.3.— (a) Notwithstanding any other law, including Article 3.5 (commencing with Section 313) of Chapter 3, on or before September 1, 2017, the department shall develop an assessment tool to determine the proficiency level of pupils of limited academic English proficiency identified through the formal process, pursuant to Section 350.1, for purposes of identifying an adequate method of instruction for these pupils.~~

~~(b) The department, with the approval of the state board, shall establish procedures for conducting the assessment required pursuant to subdivision (a) and for the designation of a pupil of limited academic English proficiency to academic English proficient.~~

~~350.4.— (a) Notwithstanding any other law, including Article 3.5 (commencing with Section 313) of Chapter 3, commencing with the 2018–19 school year, the assessment developed pursuant to Section 350.3 shall be conducted upon initial enrollment or as early as possible after enrollment, in order to provide information to determine if the pupil is a pupil of limited academic English proficiency, and annually thereafter during a period of time determined by the Superintendent and the state board. The annual assessments shall continue until the pupil is designated as academic English proficient pursuant to Section 350.5.~~

~~(b) For purposes of this section, school districts may utilize a pupil scoring at the highest achievement levels of 3 or higher on the Smarter Balanced Assessment System summative and interim assessments to designate the pupil as academic English proficient. If a pupil is still performing at a level of limited academic English proficiency after the grade 8 Smarter Balanced Assessment System summative and interim assessments, the school district shall provide targeted resources with the goal of the pupil scoring at the level of 3 or higher on the grade 11 Smarter Balanced Assessment System summative and interim assessments.~~

~~(c) The assessments conducted pursuant to this section shall be conducted in a manner consistent with federal statutes and regulations.~~

~~350.5. Notwithstanding any other law, including Article 3.5 (commencing with Section 313) of Chapter 3, the Superintendent shall develop a procedure to designate a pupil of limited academic English proficiency as academic English proficient. The designation procedure developed by the Superintendent shall utilize multiple criteria in determining whether to designate a pupil as proficient in academic English, including, but not limited to, all of the following:~~

~~(a) Assessment of academic language proficiency using an objective assessment instrument.~~

~~(b) Teacher evaluation, including, but not limited to, a review of the pupil's curriculum mastery.~~

~~(c) Parental opinion and consultation.~~

~~(d) Comparison of the performance of the pupil in basic skills against an empirically established range of performance in basic skills based upon the performance of academic English proficient pupils of the same age, that demonstrates whether the pupil is sufficiently proficient in academic English to participate effectively in a curriculum designed for pupils of the same age.~~

~~350.6. This chapter does not preclude a school district or county office of education from testing pupils of limited academic English proficiency more than once in a school year if the school district or county office of education chooses to do so.~~

~~SECTION 1. Section 314 is added to the Education Code, to read:~~

~~314. (a) Contingent on the enactment of an appropriation in the annual Budget Act or related legislation for the purpose of~~

1 *implementing this section, the Los Angeles Unified School District,*  
2 *in partnership with the University of California, Los Angeles*  
3 *Center X, shall conduct an evaluation of the Los Angeles Unified*  
4 *School District's Academic English Mastery Program. This*  
5 *evaluation shall include data collection and analysis, and shall*  
6 *address policy questions regarding identification, assessment,*  
7 *instruction, and professional development of, and curriculum and*  
8 *definitions of proficiency for, pupils of limited academic English*  
9 *proficiency. The evaluation shall be completed by \_\_\_\_ and shall*  
10 *be submitted to the appropriate fiscal and policy committees of*  
11 *the Legislature.*

12 *(b) This section is repealed on January 1, 20\_\_\_\_.*

13 SEC. 2. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.